
A BILL FOR AN ACT

RELATING TO CONSERVATION AND RESOURCES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 183, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART FOREST RESOURCES IN NEED OF CONSERVATION

5 §183-A Native forest resources deemed in need of
6 conservation; duties. In addition to duties listed in section
7 183-1.5, the department shall:

8 (1) Support reforestation efforts throughout the State for
9 all native forest resources deemed in need of
10 conservation;

11 (2) Support the sustainable management and use of native
12 forest resources throughout the State;

13 (3) Identify and protect native forest resources deemed in
14 need of conservation for sustainable management and
15 conservation of those species and ecosystems;

16 (4) Establish rules for designating forest resources in
17 need of conservation and establish rules regarding the



1 issuance of permits for commercial harvest of forest
2 resources deemed in need of conservation;

3 (5) Provide incentives to local entrepreneurs to cultivate
4 native species, especially those deemed in need of
5 conservation, for reforestation programs or
6 sustainable commercial operations; and

7 (6) Provide support for programs that ensure the
8 sustainability of commercial operations for forest
9 resources deemed in need of conservation in the State.

10 **§183-B Harvesting of native forest resources deemed in**
11 **need of conservation.** (a) All commercial harvesting of native
12 forest resources deemed in need of conservation on all lands
13 shall be done in accordance with a harvest permit approved by
14 the board, and in accordance with the provisions regarding
15 conservation of aquatic life, wildlife, and land plants and the
16 provisions regarding environmental compliance.

17 (b) It shall be unlawful to harm, destroy, or harvest any
18 material of a forest resource, living or dead, deemed in need of
19 conservation for commercial purposes without a harvest permit
20 issued by the board.

21 (c) It shall be unlawful to export any material of forest
22 resource, living or dead, outside of the State for commercial



1 purposes except as granted under a harvest permit issued by the
2 board.

3 (d) Native Hawaiian sandalwood, including all *Santalum*
4 species endemic to Hawaii, is hereby deemed a forest resource in
5 need of conservation.

6 (e) The department shall adopt rules pursuant to chapter
7 91 to effectuate the purposes of this section.

8 **§183-C Permits.** (a) Pursuant to chapter 91 and based on
9 a harvest and reforestation plan, the department shall adopt
10 rules regarding the issuance of a permit to destroy, harvest, or
11 export for commercial purposes any material of a forest
12 resource, living or dead, deemed in need of conservation,
13 pursuant to section 183-B(a). These rules shall specify the:

- 14 (1) Requirements to obtain a harvest permit;
15 (2) Duration of a harvest permit;
16 (3) Terms and conditions of a harvest permit; and
17 (4) Disqualifications that will prevent the approval of a
18 harvest permit.

19 (b) No harvest permit or license for the commercial
20 harvest or exportation outside of the State of any material of a
21 forest resources, living or dead, deemed in need of conservation
22 shall be issued by any officer or agency of the State without



1 the prior approval and concurrence of the board. In determining
2 whether to grant or withhold such approval, the board shall be
3 guided by the standards set forth in chapter 183.

4 **§183-D Fees.** (a) The board shall establish a processing
5 fee for permits issued for the harvest of forest resources
6 deemed in need of conservation. Such a permit will require an
7 approved harvest and reforestation plan by the board of land and
8 natural resources. The process for the development and approval
9 of plans and permits will be defined in the rules.

10 (b) Fees collected for permits shall be deposited in the
11 forest stewardship fund established under chapter 195F-4 to
12 support forest management and restoration.

13 **§183-E Criminal penalties.** Any person who violates
14 section 183-B, upon conviction thereof, shall be guilty of a
15 misdemeanor and shall be fined not more than \$2,000, or
16 imprisoned not more than one year, or both. In addition to any
17 other penalty imposed under this section, fines and penalties in
18 accordance with sections 183-5 and 183-18 shall be levied for
19 each individual forest resource illegally harvested under
20 section 183-B. Fines collected pursuant to this section shall
21 be deposited into the forest stewardship fund established under
22 section 195F-4.



1 **§183-F Definitions.** As used in this part:

2 "Harvest permit" means a permit issued by the department of
3 land and natural resources to destroy, harvest, or export for
4 commercial purposes any material of a forest resource, living or
5 dead, that is deemed in need of conservation.

6 "Hawaiian sandalwood" means the *Santalum* species endemic to
7 the islands of Hawaii including but not limited to *Santalum*
8 *ellipticum*, *S. freycinetianum*, *S. haleakalae* var. *haleakalae* and
9 *haleakalae* var. *lanaiense*, and *S. paniculatum* var. *paniculatum*
10 and *S. paniculatum* var. *pilgeri*.

11 "Native forest resources deemed in need of conservation"
12 means those forest species identified by the board as currently
13 in decline and in need of conservation."

14 SECTION 2. Section 183-5, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) In addition:

17 (1) A fine of up to \$10,000 per violation of section 183-
18 17 or 183-B may be levied for each destroyed or
19 harvested koa tree[7] or sandalwood tree, or portion
20 thereof, larger than six inches in diameter at ground
21 level; and



1 (2) A fine of up to \$2,000 per violation of section 183-17
2 may be levied for each destroyed or harvested tree or
3 plant, other than koa[7] and sandalwood, or portion
4 thereof, larger than six inches in diameter at ground
5 level."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. This Act shall take effect on July 1, 2012.

10



Report Title:

Sandalwood; DLNR

Description:

Establishes DLNR policies regarding sandalwood and designates sandalwood as a native forest resource in need of conservation. Requires a harvest permit for commercial harvesting of native forest resources. Establishes penalties for the destruction or harvesting of sandalwood trees. (SD1)

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